

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRIAN CHARLES WATTS,

Petitioner,

v.

KENNETH QUINN,

Respondent.

No. C06-311Z

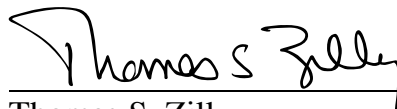
ORDER DENYING PETITIONER'S  
HABEAS PETITION WITH  
PREJUDICE

The Court, having reviewed Petitioner's Petition for Writ of Habeas Corpus, Respondent's answer thereto, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court ADOPTS the Report and Recommendation, docket no. 10, because an exceptional sentence was not imposed. The Court does not reach the issue of retroactivity because Blakely v. Washington does not apply;
- (2) Petitioner's habeas petition and this action are DISMISSED, with prejudice; and,
- (3) The Clerk is directed to send copies of this Order to Petitioner, to counsel for Respondent, and to Judge Theiler.

IT IS SO ORDERED.

DATED this 13th day of July, 2006.

  
Thomas S. Zilly  
United States District Judge

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